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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,531	08/11/1999	WERNER BOHNSTEDT	534P007	1518

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EXAMINER

DOVE, TRACY MAE

ART UNIT	PAPER NUMBER
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1745

9

DATE MAILED: 03/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-9

Office Action SummaryApplication No.
09/372,531Applicant(s)
BohnstedtExaminer
Tracy DoveArt Unit
1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 22, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim³ for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

This Office Action is in response to the communication filed on 10/22/01. Applicant's arguments have been considered, but are not persuasive. Claims 1-9 and 11-14 are rejected in view of the prior art of record. Claims 10 has been canceled. This Action is made **FINAL, as necessitated by amendment.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ See Office Action of 7/3/01 for the reasons for rejection.

ask? Furthermore, claim 9 has been amended to recite "said separator further comprising at least one separate rib which is applied to the electrode plate". It is unclear how the separator can "comprise" the rib if it is applied to the electrode plate.

✓ Also, claim 13 has been amended to recite "A rolled-up battery separator...said separator being adapted to be cut into pieces". It is unclear how the separator is cut into pieces if it is rolled-up".

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To the extent the claims are understood in view of the 35 U.S.C. 112 rejections above, note the following prior art rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willmann et al., US 5,250,372.

See Office Action of 7/3/01 for the reasons for rejection.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grimes et al., US 4,396,689.

See Office Action of 7/3/01 for the reasons for rejection.

Response to Arguments

Applicant's arguments filed 10/22/01 have been fully considered but they are not persuasive.

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Applicant does not address the 35 U.S.C. 112, second paragraph, rejection of claims 6, 9 and 13.

On pages 2-5 Applicant provides arguments for rejections that have been withdrawn.

Willmann

Applicant argues Willmann does not disclose separators provided with a combination of protuberances and ribs or that the separator is a pocket separator.

While Willmann does not explicitly state the separator has both protuberances and ribs, Applicant has not addressed the motivation provided by the Examiner for rejecting the claims as obvious in view of the teachings of Willmann. See motivation statement on page 4, lines 12-17 of the Office Action dated 7/3/01.

Note Figs. 9 and 10 teach and suggest a pocket separator.

Grimes et al.

Applicant argues that Grimes does not disclose separators provided in the form of a roll (page 3, lines 14-15). Applicant states zinc-bromide systems require sheet separators which have a certain rigidity and which therefore cannot be rolled up, but are only used in the form of sheets (page 4, lines 13-15). This assertion is not supported. Applicant is requested to submit evidence that the separators of zinc-bromide systems cannot be rolled up. Furthermore, Grimes teaches in col. 2, lines 7-10 "the subject invention is useful in the manufacture, construction and assembly of many different kinds of electrochemical cells, and the invention should be interpreted as not being limited to a specific system".

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Dove whose telephone number is (703) 308-8821. The Examiner may normally be reached Monday-Thursday (9:00 AM-7:30 PM). My supervisor is Gabrielle Brouillette, who can be reached at (703) 308-0756. The Art Unit receptionist can be reached at (703) 308-0661 and the official fax numbers are 703-872-9310 (after non-final) and 703-872-9311 (after final).

March 11, 2002


CAROL CHANEY
PRIMARY EXAMINER